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Report to Planning Committee of 19th March, 2009

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**Subject: Planning Application: Siting of Two Containers for Storage and Changing Facilities for River Devon Canoe Slalom Project at Shavelhaugh Loan, Alva (Ref: 09/00003/FULL)**

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**Applicant: John Brown, 24 St Johns Gardens, Stoneywood, Denny**

**Prepared by: Keith Johnstone, Principal Planner**

**Electoral Ward: Clackmannanshire North**

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## **1.0 Purpose**

- 1.1. The report considers an application to site two containers on the edge of a field at Shavelhaugh Loan, Alva. The containers would be used to provide storage and changing facilities for a canoe club who have a training facility on the River Devon adjacent to the field. Although the site is located within the Green Belt and countryside, we are persuaded that the principle of the development would be acceptable and would accord with the Development Plan given the locational and operational justification for the accommodation and the effectiveness of the measures to satisfactorily mitigate the visual and landscape impacts through landscaping, external finish and approving the development on a temporary basis only. The location of the containers has been amended to address concerns raised by consultees and objectors relating to flood risk. In the absence of any material considerations to refuse, and the potential benefits that could be achieved by providing wider access to this sport facility, the application should be approved.

## **2.0 Recommendations**

- 2.1. It is recommended that the application is **APPROVED** subject to the following conditions:-
1. This permission expires on 19th March, 2012. Within one month from this date the containers shall be removed from the site and the land shall be restored to its former condition.
  2. Prior to the commencement of any development on the site, a detailed site plan and landscaping scheme shall be submitted to and approved in writing by the Council, as planning authority. The scheme shall include:-
    - (a) A specification of the works to create a base for the containers and the methods to anchor the containers on the approved site.

- (b) A plan showing all existing trees and hedgerows within or adjacent to the site.
  - (c) Details of the type, number, size and location of trees, shrubs or hedging plants to be planted on or adjacent to the site. The details shall be designed to help screen the containers from views from the C110 public road and the surrounding area and shall comprise native species unless otherwise agreed by the Council.
  - (d) Details of the arrangements for implementation, plant establishment and future maintenance.
3. Before any development commences on site, a specification containing measures designed to mitigate the visual impact of the containers shall have been submitted to and approved in writing by the Council, as planning authority. This shall incorporate measures to disguise the external finish and appearance of the containers, details of the external colour and the timescale for completion. Thereafter, the containers shall be sited in accordance with the approved specification.
  4. Before any development commences on site, protective fencing shall be erected around all trees or hedges which are to be retained on or adjacent to the site as part of the development. The fencing shall be erected in accordance with BS5837, inspected by a representative of the Council, and shall remain in place for the duration of work associated with the siting of the containers on the site.

### Reasons

1. To retain sufficient control over this form of temporary development in order to safeguard the character and amenity of the surrounding countryside and the Clackmannanshire Green Belt and to ensure the site is returned to an acceptable condition.
2. To consider these details yet to be submitted and in the interests of the visual amenity and character of the area.
3. In the interests of visual amenity and to safeguard the character and appearance of the Green Belt and countryside area.
4. In the interests of visual amenity.

## **3.0 Background to the Proposals**

- 3.1. Planning permission is sought to site two steel containers on a field on the east side of Shavelhaugh Loan, some 600m south of Alva (see Location Plan). The field, including the site, is owned by the CR CATS Canoe Club. The Club train on the River Devon adjacent to the field and they have installed a slalom course on the river. The Club have operated from the field for over 20 years.

- 3.2. The containers would measure approximately 7.5m in length by 2.5m in width by 2.5m in height. The Club propose to paint them a suitable colour e.g. green. The containers would be sited on a hardcore base. They would be used to provide secure storage for canoes and equipment and to provide a changing facility. The Club has stated that the storage and changing facilities would be necessary to allow them to introduce and encourage young people to the sport. They intend to expand a programme of offering courses to primary school children including the Hillfoots area following the success of a recent pilot project. However, this would require the availability of storage and changing facilities for the visiting groups in order to provide this service.
- 3.3. The containers would be sited at the entrance to the Club's field adjacent to an area used by members for car parking. The site would be approximately 25 metres to the east of Shavelhaugh Loan. There is a hedgerow between the field and the public road and there are stable buildings in the field approximately 40 metres to the north of the site. There is an existing private track which provides vehicular access onto Shavelhaugh Loan approximately 75m to the north of the site. The Club do not expect the development to significantly increase the frequency of traffic movements at the access.
- 3.4. The Club has amended the location for the containers since the submission of the application. It was originally proposed to site the containers adjacent to the River Devon (see Location Plan) on the south side of the field, next to existing trees and shrubs to help provide screening. However, the Club have agreed to move the containers in response to the concerns associated with flood risk highlighted by consultees (See Section 4.1 below).
- 3.5. The site is located within the countryside and Green Belt as defined by the Clackmannanshire Local Plan.

#### **4.0 Consultations**

- 4.1. Roads and Transportation has no road safety objection to the proposal. They highlighted that the original location for the containers would have been affected by "out of bank" flood water which would create a risk of the containers being transported by flood water and damaging the road bridge and/or blocking the flow of the river which could affect flood risk upstream. *Comment: In response to these concerns, the applicant has amended the location for the containers to move them away from the River Devon to address the risk of the containers being transported off the site by flood water. The proposed site would be approximately 135 metres from the river compared with the original distance of 15 metres. Ventilation holes would still be cut in the containers which would mean that the container would fill up with water at the same rate as the surrounding land which should prevent the risk of floating. The proposed location would lie outwith the area identified as being at high risk of flooding on the Indicative River and Coastal Flood Map published by SEPA and it is considered that the proposed location would sufficiently address the issues highlighted by Roads and Transportation given the distance from the River, the relative ground levels and the measures to reduce the risk of the containers floating.*

- 4.2. Sustainability advise that the containers should be sited further back from the River Devon to be outside the area identified as being at high risk of flooding in the Indicative River and Coastal Flood Map. Comment: *The proposal now complies with this advice.*
- 4.3. The Council's Sports Development Team support the application. They note that the Club is successful and well run and they support the proposal to develop the sport at grass roots level.

## **5.0 Representations**

- 5.1. A total of four neighbours were notified by the applicant of the application, one of which had to be notified after the location of the containers had been amended. The application was also advertised in the local press as being "potentially contrary to the Development Plan".
- 5.2. As a result of this publicity, two objections have been received from the following parties:-
- (a) Alva Community Council
  - (b) Mrs L Howson, 1 Howetown, Fishcross
- 5.3. The main issues raised can be summarised as follows:-
- (a) The containers may float during flood events on the River Devon and could restrict the flow of water under the road bridge increasing the risk of flooding to the houses at Howetown. Comment: *The proposed revised location would satisfactorily address the risk and therefore alleviate this concern.*
  - (b) The proposal is against the environmental plan for the area. Comment: *The planning policy position is discussed in Section 6.0 below. It is concluded that the proposal would not be contrary to the Development Plan.*
  - (c) Concern over the visual impact due to their size and external finish. Comment: *The proposed size of the structures would be proportionate to their proposed use to store canoes and equipment and provide changing facilities for visiting groups. Although the containers would not comprise a traditional looking building normally appropriate for a countryside development, approval would only be granted on a temporary basis given the nature and design of the development. Conditions would also require measures to mitigate the visual impact in addition to the applicant's proposal to paint the containers, possibly involving timber cladding on the outside of the containers and the provision of landscaping. The building design has to be balanced with the other factors in favour of the proposal.*
  - (d) *The risk of contamination from lack of adequate drainage given the plan shows a soakaway drain. Comment: There will be no toilet or washing facilities within the containers. The reference to a soakaway in the application relates to a water supply pipe at the site.*

## 6.0 Planning Considerations

6.1. The key issues relevant to the determination of the application can be summarised as follows:-

- (a) Whether the proposal would be in accordance with the Development Plan, having regard to the particular weight of the policies relating to development in the countryside, Green Belt and flood risk.
- (b) Whether there are any other material considerations that would justify withholding or granting permission including the issues raised by consultees, the objectors and the applicant.

6.2 In terms of point (a) above, there are a number of Development Plan policies which are relevant to the proposed development and these are considered below:-

### 6.2.1 Development in the Green Belt

Policies ENV4 (Green Belts) of the Clackmannanshire and Stirling Structure Plan and EN19 (Green Belt) of the Clackmannanshire Local Plan indicate that there is a general strong presumption against development within the Green Belt unless exceptional circumstances apply. Policy EN19 defines these circumstances and states that proposals need to satisfy the following three criteria to be permitted:-

(a) A countryside location is essential. Comment: *The proposal is related to the canoe club facilities which is an outdoor recreational use requiring a countryside location. Furthermore, there would be sufficient practical and operational justification for the storage and changing facilities to be located close to the training facility. Therefore, the proposal satisfies this criteria.*

(b) No other suitable alternative sites exist outwith the Green Belt. Comment: *The Club have operated at this location for over 20 years, have developed their facility and now own the field. Given the operational requirement for the containers, there would be no alternative site outwith the Green Belt suitable for the Canoe Club. This criteria is met.*

(c) The development would provide an opportunity to significantly enhance the Green Belt. Comment: *The applicant has advised that they would be willing to carry out measures to mitigate the visual impact of the containers and enhance the immediate locality. This would include landscaping adjacent to the containers primarily to create additional screening and measures to improve the visual appearance of the containers. The new planting would supplement the existing tree and hedgerow plants adjacent to the site which would also provide screening. The additional landscaping would enhance the character and environment while helping to mitigate the visual impact and would be proportionate to the scale and nature of the development. The combination of these measures would keep the visual impact to a minimum and on balance, the proposal would accord with Policies ENV4 and EN19.*

### 6.2.2 Development in the Countryside

Structure Plan Policy ENV3 (Development in the Countryside) and Local Plan Policy EN18 (Development in the Countryside) support developments which are dependant on a countryside location where the development would safeguard the countryside character and appearance of the area; would not adversely affect nearby uses; would have satisfactory access; would not involve new buildings if suitable buildings already exist. As discussed above, it is considered that this location is justified given the relationship to the established outdoor recreation use and the absence of any existing buildings on the land. The access arrangements will also be acceptable. It is recognised that steel containers would not constitute a traditional building type normally suitable for a countryside area however there are a number of mitigatory factors which would provide sufficient weight to conclude that the proposal would accord with the Development Plan policies. These factors can be summarised as follows:-

- (a) The effects of the combination of measures to mitigate visual and landscape impact referred to in Para 6.2.1(c) above which the applicant could carry out. The amended site would also be closer to existing buildings on adjacent land to the north thereby minimising the landscape impact.
- (b) The permission, if granted, would be on a temporary basis which would allow the Council to review the impact of the containers before deciding whether to renew the temporary permission. The development would be easily reversible.
- (c) The Club's need for secure storage accommodation which could be provided by the containers.
- (d) The constraints imposed by the risk of flooding at this location in terms of the merits of providing a more permanent traditional form of building.
- (e) The financial constraints on the Club to provide a higher quality building suitable for this location. The containers have in fact been donated to the Club.

### 6.2.3 Flood Risk

Local Plan Policy EN4 requires all applications to be assessed for flood risk. This issue was highlighted by consultees and the objectors. In response, the applicant has agreed to move the containers away from the edge of the river. It is considered that the proposed revised location would accord with Policy EN4 and address these concerns as discussed in Paragraph 4.1 above.

### 6.2.4 Sport and Recreation

Structure Plan Policy SR1 (Sport, Recreation and Strategic Open Space) states that new sport provision will be supported, targeting facilities where unmet demand is identified. The Club's objective is to expand the sport by providing access and training opportunities to school children including in the Clackmannanshire area. The proposed accommodation would help achieve this objective and the proposal would comply with this policy.

- 6.3 It is concluded that the proposal would, on balance, satisfy the exceptional circumstances that would justify development at this location and would accord with the Development Plan subject to the proposed conditions relating to temporary permission, landscaping and external finish and colour.
- 6.4 In terms of any other material considerations referred to in Paragraph 6.1(b) above, we have concluded that these would not justify outweighing the Development Plan support for the proposal. The main considerations have been summarised below:-
- (a) The concerns raised by Alva Community Council and a nearby resident have been highlighted and the reasons why they can be satisfactorily addressed discussed in Paragraph 5.3 above. The amended location would address the flood risk concerns while the combination of conditions would address the concerns about visual and environmental impact.
- (b) The amended location for the containers would satisfactorily address the concerns relating to flooding raised by consultees.
- (c) The proposal would be consistent with the national planning policy guidance contained in SPP 21 Green Belts which was published in 2006 after the adoption of the Local Plan. The SPP states that recreational uses compatible with a natural setting would be appropriate in a Green Belt while their effective management could include providing opportunities for outdoor recreation subject to proposals protecting and enhancing the character and setting of towns. The proposal would accord with these principles.
- (d) The proposal would facilitate the Club's objective to widen access to the sport and specifically to school children. This could enhance quality of life and health and well-being.
- 6.5 The combination of the strong locational justification for the development, the operational requirements of the applicant, the established use by the Canoe Club of the river at this location and the effect of the potential measures to minimise the visual and landscape impact, would create the exceptional circumstances required by Development Plan guidance to justify approval in this instance. It is not considered there would be sufficient material considerations to withhold permission.

## **7.0 Sustainability Implications**

- 7.1. None
- 7.2. Resource Implications
- 7.3. *Financial Details*
- 7.4. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. ☒
- 7.5. *Staffing*

## 8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

### (1) Our Priorities 2008 - 2011 (Please tick ☒)

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input type="checkbox"/>            |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input checked="" type="checkbox"/> |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input type="checkbox"/>            |

### (2) Council Policies (Please detail)

None


## 9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

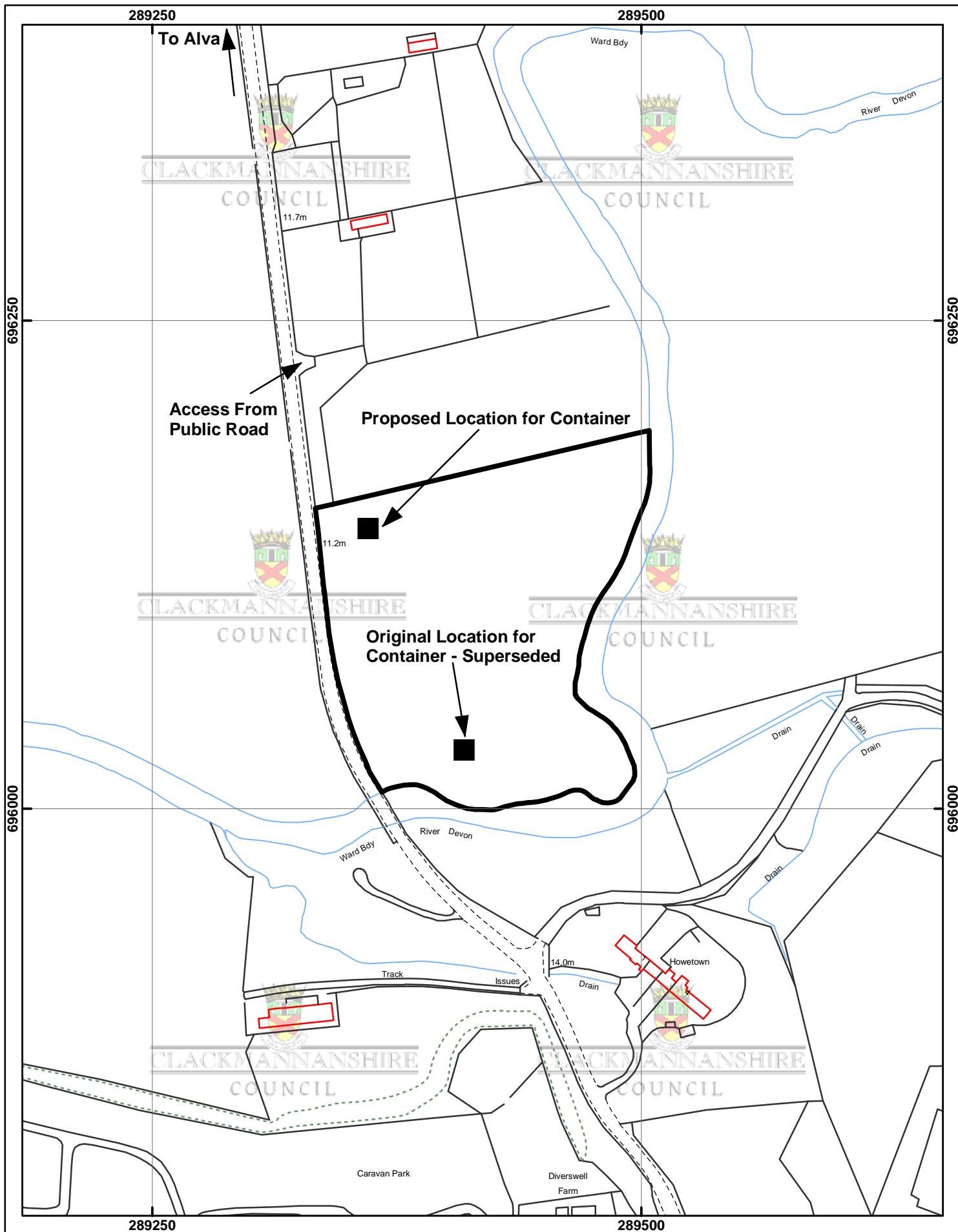
Yes ☒ No ☐

## 10.0 Legality

10.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers Yes ☒

APPROVAL/SIGNATURE	DATE:
Head of Service:  	9th March 2009





**Report To Planning Committee**

**To: Head of Administration and Legal Services, Greenfield, Alloa FK10 2AD**

**Report author: Keith Johnstone, Principal Planner**

**Service: Development**

**Report title: Planning Application: Siting of Two Containers for Storage and Changing Facilities for River Devon Canoe Slalom Project at Shavelhaugh Loan, Alva (Ref: 09/00003/FULL)**

**Date of meeting: 19th March 2009**

**It is recommended that the attached report be:**

1. **Given unrestricted circulation** ☒
2. **Taken in private by virtue of paragraph \_\_\_ of schedule 7A of the Local Government (Scotland) Act 1973** ☐

**List any appendices attached to this report (if there are no appendices, please state 'none')**

1. **None**
- 2.
- 3.
- 4.

**List the background papers used in compiling this report . If you have completed a sustainability checklist please add this to your list (if there are no background papers please state 'none')**

1. **Clackmannanshire and Stirling Structure Plan and Clackmannanshire Local Plan**
2. **Consultee replies**
3. **Letters of representation from Alva Community Council and Mrs L Howson**
4. **SPP21 - Green Belts**

**Nb. All documents listed must be kept available by the author for public inspection for four years from the date of the meeting at which the report is considered.**